

Agenda Item 10
Revised Staff Recommendation
AB 1273

*San Francisco Bay Conservation
and Development Commission*

June 20, 2013



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BACKGROUND

- *Staff Recommendation (6/14/13)*
 - Commission considered “oppose unless amended” recommendation
 - Instead directed staff to continue discussions w/ Port, City, Warriors & State Lands Commission to determine whether issues could be adequately addressed prior to 6/20 meeting
 - Intensive discussions have resulted



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COMMISSION-RAISED ISSUES

- Independent oversight
- Retail Uses
- Project Size
- Provision of Public Benefits
- Balancing Trust and Non-Trust Uses
- Need and Timing of Legislation



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RESULTS OF DISCUSSIONS

- Independent Oversight:
 - Legislation directed Port to determine whether project is consistent with trust requirements
 - New language directs SLC to assess compliance with legislative trust requirements after consulting with BCDC



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RESULTS OF DISCUSSIONS

- Retail Uses:
 - Legislation allows undefined “venue supporting retail” that could include non-trust retail uses
 - BCDC staff requested that all retail be trust-consistent
 - Warriors intend venue-supporting retail to provide for major sponsors that might not be trust uses
 - New language limits non-trust retail to 20,000 square feet (out of 105,000 square feet total retail)



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RESULTS OF DISCUSSIONS

- Project Size:
 - Legislation describes project; however, the project is in process of design
 - BCDC staff concerned about height and bulk (“massing”) of structures and up to 500 parking spaces on pier; pedestrian/bicycle/circulation impacts on Herb Caen Way and Embarcadero
 - No resolution due to early design process
 - New language: no specific number of parking spaces; criteria for minimizing parking in project



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RESULTS OF DISCUSSIONS

- Public Benefits:
 - BCDC staff believes the project will need to include further public benefits (as the previous legislation for Piers 30-32 included public benefits)
 - It is not possible to resolve this issue without more design clarity and a transparent public process
 - New language requires additional benefits, that are not yet determined
 - Preserves BCDC's right to fashion and require a public benefits package



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RESULTS OF DISCUSSIONS

- Balancing Trust and Non-Trust Uses:
 - AB 1273 takes trust determination out of BCDC's hands
 - BCDC staff believes that the arena is not a traditional trust use, but recognizes legislature's right to make that determination
 - Outcomes of discussions reduce non-trust retail and parking
 - Requires additional public benefits
 - Requires SLC review of compliance with the bill
 - Enhances trust uses & preserves BCDC's authority to review other aspects of the project



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RESULTS OF DISCUSSIONS

- Timing and Need for Legislation:
 - Tight legislative deadlines and project design process do not allow specific outcomes re: project size, public benefits, and balance of trust/non-trust uses
 - More time for more detailed/refined project design and public processes could lead to better clarity and more specific resolutions
 - Two-year bill (meaning that the bill can be considered by State Legislature during next calendar year) would provide additional time
 - Other two-year bills: SB 792 and SB 375



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CONCLUSION

- Staff has worked intensively to narrow/resolve issues
- All sides have “leaned forward” in good faith
- Additional language provides assurances for Commission
- Additional time could yield more clarity and certainty



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RECOMMENDATION

Staff recommends that the Commission:

- Not take a position on the bill, similar to the SLC
- Request that the bill be allowed to become a two-year bill



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